Senate File 340 - Introduced

SENATE FILE 340
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 172)

A BILL FOR

- 1 An Act relating to the length of on-duty periods and required
- 2 rest periods for drivers of rail crew transport vehicles,
- 3 and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. <u>NEW SECTION</u>. **321.449A Rail crew transport** 2 drivers.
- 3 1. A driver of a motor vehicle operated for hire which is
- 4 designed to transport seven or more persons but fewer than
- 5 sixteen persons including the driver and is used to transport
- 6 railroad workers to or from their places of employment or
- 7 during the course of their employment is subject to the
- 8 following limitations:
- 9 a. The driver shall not drive such a vehicle more than ten
- 10 hours following eight consecutive hours of uninterrupted rest.
- 11 b. The driver shall not drive such a vehicle for any period
- 12 after having been on duty for fifteen hours following eight
- 13 consecutive hours of uninterrupted rest.
- 14 c. The driver shall not accept a call for service from the
- 15 driver's employer during a period of uninterrupted rest.
- 16 2. For purposes of this section, the following definitions
- 17 apply:
- 18 a. "Employer" means a railroad worker transportation
- 19 company, as defined in section 327F.39, for whom the driver
- 20 performs a service, either for wages or as an independent
- 21 contractor.
- 22 b. "On duty" means all time from the time a driver begins
- 23 work or is required to be ready to work until the time the
- 24 driver is relieved from work and all responsibility for
- 25 performing work, whether or not the driver is compensated for
- 26 all of the time. A driver may drive more than one assigned
- 27 trip, as long as the trip falls within the on-duty period. A
- 28 driver "begins work" when the driver enters a transport vehicle
- 29 to begin a trip assignment and is not "relieved from work" until
- 30 the driver has exited the transport vehicle for the final time.
- 31 c. "Uninterrupted rest" means that the employer shall not
- 32 communicate with the driver by telephone, pager, or in any
- 33 other manner that could reasonably be expected to disrupt the
- 34 driver's rest.
- 35 3. A person who violates this section commits a simple

- 1 misdemeanor punishable as a scheduled violation under section
- 2 805.8A, subsection 13, paragraph "b".
- 3 Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended
- 4 by adding the following new paragraphs:
- 5 NEW PARAGRAPH. Oc. "Driver" means a person who operates
- 6 a motor vehicle for the transportation of railroad workers in
- 7 the motor vehicle on behalf of a railroad worker transportation
- 8 company, whether the person is employed by the company for
- 9 wages or drives for the company as an independent contractor.
- 10 NEW PARAGRAPH. Og. "Railroad worker transportation
- 11 company means a person, other than a railroad corporation,
- 12 organized for the purpose of or engaged in the business of
- 13 transporting, for hire, railroad workers to or from their
- 14 places of employment or in the course of their employment in
- 15 motor vehicles designed to carry seven or more persons but
- 16 fewer than sixteen persons including the driver.
- 17 Sec. 3. Section 327F.39, Code 2013, is amended by adding the
- 18 following new subsection:
- 19 NEW SUBSECTION. 4A. Rest periods for drivers.
- 20 a. A railroad worker transportation company shall not
- 21 require a driver to operate a motor vehicle in violation of
- 22 section 321.449A. A railroad worker transportation company
- 23 may require a period of uninterrupted rest for a driver at any
- 24 time. The period of uninterrupted rest shall not be less than
- 25 eight hours. A railroad worker transportation company shall
- 26 clearly communicate to a driver when a period of uninterrupted
- 27 rest is to begin.
- 28 b. A railroad company shall not require a driver to operate
- 29 a motor vehicle in violation of section 321.449A or this
- 30 subsection.
- 31 c. For purposes of this subsection, "uninterrupted rest" and
- 32 "on duty" mean the same as defined in section 321.449A.
- 33 Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended
- 34 to read as follows:
- 35 6. Penalty.

- 1 a. Violation by the owner of a motor vehicle of this
- 2 section, a rule adopted under this section, or an order issued
- 3 under subsection 5, or willful failure to comply with such an
- 4 order is, upon conviction, subject to a schedule "one" penalty
- 5 as provided under section 327C.5.
- 6 b. A violation of subsection 4A or rules adopted pursuant to
- 7 subsection 4A by a railroad worker transportation company or a
- 8 railroad corporation is punishable as a schedule "one" penalty
- 9 under section 327C.5.
- 10 Sec. 5. Section 805.8A, subsection 13, paragraph b, Code
- 11 2013, is amended to read as follows:
- 12 b. For a violation under section 321.449, or 321.449A, the
- 13 scheduled fine is fifty dollars.
- 14 EXPLANATION
- 15 This bill provides that a person who drives a motor vehicle
- 16 transporting railroad workers is subject to hours-of-service
- 17 restrictions similar to those that apply to commercial vehicle
- 18 operators.
- 19 The bill prohibits a driver from driving a motor vehicle
- 20 for hire, which is designed to transport seven or more persons
- 21 but fewer than 16 persons including the driver and which is
- 22 used to transport railroad workers to or from their places
- 23 of employment or during the course of their employment,
- 24 for more than 10 hours following eight consecutive hours of
- 25 uninterrupted rest; prohibits driving such a motor vehicle
- 26 for any period after having been on duty for 15 hours
- 27 following eight consecutive hours of uninterrupted rest; and
- 28 prohibits accepting a call for service during a period of
- 29 uninterrupted rest. The bill provides a detailed definition
- 30 of "on duty", which includes all time for which the driver is
- 31 or is not compensated from the time a driver begins work or
- 32 is required to be ready to work until the time the driver is
- 33 relieved from work and all responsibility for performing work.
- 34 "Uninterrupted rest" means the employer shall not communicate
- 35 with the driver in any manner that could reasonably be expected

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- 1 to disrupt the driver's rest.
- 2 A driver who violates the hours-of-service restrictions
- 3 commits a simple misdemeanor punishable by a scheduled fine
- 4 of \$50. This is the same penalty that currently applies for
- 5 hours-of-service violations by commercial vehicle operators.
- 6 The bill prohibits a railroad worker transportation company
- 7 from requiring a driver to operate a motor vehicle in violation
- 8 of the hours of service requirements established under the
- 9 bill. A railroad worker transportation company may require a
- 10 period of uninterrupted rest at any time. The minimum period
- 11 of uninterrupted rest shall be eight hours. The company is
- 12 required to clearly communicate to a driver when a period of
- 13 uninterrupted rest is to begin.
- 14 The bill provides that a violation of the provisions of the
- 15 bill by a railroad worker transportation company or a railroad
- 16 corporation is a schedule "one" penalty, subject to a fine of
- 17 \$100 under current law applicable to railroads.

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